



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, December 12, 2012

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris,
Rev. Anthony Coleman, Jim King, and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:01 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Jim King to give the invocation.

PLEDGE OF ALLEGIANCE:

Council member King asked everyone to remain standing for the pledge of allegiance.

PRESENTATIONS:

20121232

Digital City Top 10 Award

Recognition of the City of Marietta's IT Department for winning one of the Top 10 Digital Cities awards. This Award is given to the Governments that are the leaders in the use of Technology in ways which improve efficiency and provide better service to the Public.

Presented

20121179 Distinguished Service Award

Distinguished Service Award presented to Mark Anderson for his years of service on the Pension Board.

Presented

20121209 Government Finance Officers Association Award

Sam Lady, Finance Director, receives the GFOA Award for the 25th consecutive year. The Certificate of Achievement for "Excellence in Financial Reporting" is given by the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report (CAFR). The GFOA Press Release states "This Certificate is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management."

Presented

20121258 Proclamation - Patrick Thompson

The presentation of a Proclamation to Patrick Thompson thanking him for his years of service on the Planning Commission and the Height Advisory Committee.

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:**

Larry Willis, who resides at 60 Oakmont, spoke regarding BLW agenda item 20121188, Marietta Purchased Power Adjustment (PPA) - Policy No. 3.11.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Pro tem, Grif Chalfant, called upon Council member Johnny Sinclair, to preside over this portion of the meeting. Council member Sinclair briefly explained the consent agenda process.

-under Other Business: Agenda item 20121197, BLW Actions of the December 12, 2012, was added to the consent agenda, with Council member Coleman voting against BLW agenda item 20121188, Marietta Purchased Power Adjustment (PPA) - Policy No. 3.11.

City Attorney Douglas Haynie opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member King, seconded by Council member Chalfant, to approve the consent agenda as modified. The motion carried by the following vote:

*Vote: 7 - 0 - 0 Approved
with the following exceptions:
Council member Goldstein abstaining on agenda items 20121151.*

MINUTES:

*** 20121200 Regular Meeting - November 14, 2012**

Review and approval of the November 14, 2012 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

*** 20121201 Special Meeting - November 26, 2012**

Review and approval of the November 26, 2012 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

*** 20121169 Board of Zoning Appeals Appointment**

Appointment of Rev. Ron Clark to the Board of Zoning Appeals (Ward 5), for a three year term expiring December 12, 2015.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20121152 Civil Service Board Appointment**

Reappointment of James T. Martin to the Civil Service Board (Post 1) for a three (3) year term expiring December 31, 2015.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

ORDINANCES:

* **20121076 Z2012-13 David Youssi (YREI, LLC) 25 Trammell Street**

Z2012-13 [REZONING] DAVID YOUSSEI (YREI, LLC) request rezoning for property located in Land Lot 12900, District 16, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia and being known as 25 Trammell Street from OI (Office Institutional) to OI w/residential use (Office Institutional w/residential use). Ward 3.

Planning Commission recommends for approval as stipulated. Vote: 5 - 0 - 0

Motion: Mr. Carter made a motion, seconded by Mr. Diffley, to recommend to City Council the rezoning request be approved in conjunction with the stipulations listed in the staff report, with the exception of #8.

Stipulations:

- 1. Variance to allow a single family residence as a permitted use; however, if the main structure is demolished, the zoning will revert back to OI, without the residential use.*
- 2. Variance to reduce the minimum lot width from 75' to 53.77.' §708.23 (H)*
- 3. Variance to reduce the front setback from 30' to 21.24' in order to accommodate the existing building. §708.23 (H)*
- 4. Variance to reduce the left (east) side setback from 15' to 9.82' in order to accommodate the existing building. §708.23 (H)*
- 5. Variance to reduce the right (west) side setback from 15' to 11.35' in order to accommodate the existing building. §708.23 (H)*
- 6. Variance to reduce the minimum lot size from 20,000 s.f. to 6,621.12 s.f. §708.23 (H)*
- 7. Variance to allow the current trees and landscaping conditions to satisfy the requirements of Section 712.08 until the site is converted to commercial use. §712.08*
- 8. Variance to allow the storage of vehicles on an unapproved surface until the site is converted to commercial use. §716.08*

PUBLIC HEARING held during the Consent Agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

20121234

REAPPORTIONMENT - SECOND READING

Motion to approve the reapportionment map of the City of Marietta in accordance with O.C.G.A. § 36-35-3, et seq. and Section 3.3 of the Charter of the City of Marietta. This is the second reading following the second of two public hearings.

PUBLIC HEARING

City Attorney Doug Haynie presented information regarding the next steps in the process to amend the Charter related to the ward map. Mr. Haynie mentioned that this was the second of two public hearings.

A motion was made by Council member Lewis, seconded by Council member Sinclair, to approve the reapportionment map.

The public hearing was opened for anyone wishing to speak regarding this matter. Those speaking included:

Charles Levingston

Deanne Bonner

Larry Wills

Frances Cook

The public hearing was closed.

After some discussion, Mayor Tumlin called for a vote on the motion to approve the reapportionment map.

The motion was made by Council member Lewis, seconded by Council member Sinclair, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 1 - 0

Approved – Second Reading

Voting Against: Jim King

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

*

20121208

Denial of Claim

Denial of Claim of Nanette L Harris.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson****2. Finance/Investment: Annette Lewis, Chairperson**

- * **20121145** **Donation to the Tree Preservation Fund by Whiteway Outdoor Advertising**
- Approval of an Ordinance amending the Fiscal Year 2013 Tree Preservation Fund budget to receive and appropriate a donation from Whiteway Outdoor Advertising.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
-
- * **20121156** **Budget amendment to settle up FY2012**
- Approval of an Ordinance amending the Fiscal Year 2012 budget to allocate all items in the Unallocated Departments to other departments, and to allocate the General Fund capital contingency fund to the user departments for expenditure.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
-
- * **20121161** **Powder Springs Street Bus Shelter**
- Approval of an Ordinance amending the Fiscal Year 2013 budget to receive and appropriate an insurance reimbursement check from State Farm Automobile Insurance Company to replace the decorative bus shelter on Powder Springs Street.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * **20121217** **Authorization to Advertise - Commercial Properties**
- 20121217 Motion to authorize legal advertisement to proceed with annexation, rezoning and assigning a future land use category for the following properties, which shall be designated for commercial use, as well as all required right of way, as per O.C.G.A. § 36-36 Georgia Annexation Code.

	PIN	Property Address	Cobb Co Zoning	Proposed City Zoning	Cobb Co FLU	Proposed City FLU
1	16087500040	Canton Rd 1436	GC	LI	IC	IW
2	16087400500	Canton Rd 1441	GC	CRC	IC	IW
3	16087400010	Canton Rd 1447	GC	CRC	IC	IW
4	16087500050	Canton Rd 1451	HI	LI	IC	IW
5	17064200140	Cobb Pkwy S	GC	CRC	IND	CAC
6	17058100130	Cobb Pkwy S 1011	GC	CRC	CAC	CAC
7	17058100040	Cobb Pkwy S 1049	GC	CRC	CAC	CAC
8	17064200080	Cobb Pkwy S 1265	GC	CRC	IND	CAC
9	17064200100	Cobb Pkwy S 1265	GC	CRC	IND	CAC
10	17064200150	Cobb Pkwy S 1265	R-20	CRC	IND	CAC
11	17064200070	Cobb Pkwy S 1291	GC	CRC	IND	CAC
12	17058100060	Cobb Pkwy S 991	GC	CRC	CAC	CAC
13	17064200090	Cobb PkwyS 1265	R-20	CRC	IND	CAC
14	16087400130	Dickson Rd 515	LI	LI	IC	IW
15	16087400110	Dickson Rd 521	LI	LI	IC	IW
16	16087400350	Dickson Rd 525	LI	LI	IC	IW
17	16087400260	Dickson Rd 532	O&I/NS	CRC	IC	IW
18	16087400120	Dickson Rd 515	LI	LI	IC	IW
19	17064200040	Franklin Rd 1264	GC	CRC	IND	CAC
20	16092600360	Owenby Dr 1343	HI	HI	IC	IM
21	16087500120	Owenby Dr 1398	GC	HI	IC	IM
22	16087500120	Owenby Dr 1398	HI	HI	IC	IM
23	16087400030	Owenby Dr 1479	GC	CRC	IC	IW
24	17014800050	Powder Springs ST SW	O&I	OI	CAC	CAC
25	16087500640	Sawyer Rd	HI	LI	IC	IW
26	16087500060	Sawyer Rd 705	HI	LI	IC	IW
27	16087500660	Sawyer Rd 725	HI	LI	IC	IW
28	16087500670	Sawyer Rd 731	HI	LI	IC	IW
29	16087500030	Sawyer Rd 748	GC	LI	IC	IW
30	16087500020	Sawyer Rd 751	GC	LI	IC	IW
31	16087500630	Simms Dr 1401	HI	LI	IC	IW
32	16087500590	Simms Dr 1421	HI	LI	IC	IW
33	16085400410	West Oak Dr	HI	LI	None	IW
34	16085300020	West Oak Dr 1556	LI	LI	IC	IW
35	16085300020	West Oak Dr 1556	LI	LI	IC	IW
36	16080400170	West Oak Dr 1654	HI	LI	IC	IW
37	17058100170	Wylie Rd 1035	GC	CRC	CAC	CAC
38	16087500680	Sawyer Rd	HI	LI	IC	IW
39	16087500710	Sawyer Rd	HI	LI	IC	IW

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20121218**

Authorization to Advertise - Residential Properties

20121218 Motion to authorize legal advertisement to proceed with annexation, rezoning and assigning a future land use category for the following properties, which shall be designated for residential use, as well as all required right of way, as per O.C.G.A. § 36-36 Georgia Annexation Code.

	PIN	Property Address	Cobb Co	Proposed	Cobb FLU	Proposed
			Zoning	City Zoning		City FLU
1	16092300080	Allgood Rd 1244	R-20	R-2	MDR	MDR
2	16092300190	Allgood Rd 1284	R-20	R-2	MDR	MDR
3	16087900040	Allgood Rd 1380	R-20	R-2	LDR	LDR
4	16087400370	Dickson Rd 529	R-20	R-2	IC	IW
5	16092300210	Lincoya Dr 1271	R-20	R-2	MDR	MDR
6	16085400400	Sawyer Rd 1506	R-20	R-2	PI	IW
7	16085400390	West Oak Dr 1516	R-20	R-2	IC	IW
8	16085400380	West Oak Dr 1526	R-20	R-2	IC	IW
9	16085400370	West Oak Dr 1536	R-20	R-2	IC	IW
10	16085400360	West Oak Dr 1546	R-20	R-2	IC	IW

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson

* **20121155**

Reorganization of the IT Department

Approval of an Ordinance amending the City of Marietta and Board of Lights and Water position allocations chart and position classification and compensation plans for the 2013 fiscal year.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20121093 Marietta Museum of History Board Appointment**

Approval to reappoint Betty Hunter, Walter (Kee) Carlisle, Bill Kinney and Harlon Crimm to the Museum of History Board of Directors, for 3-year terms expiring on October 31, 2015.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20121150 Traffic Safety and Signals**

Approval of an Ordinance amending the Fiscal Year 2013 budget to appropriate prior year funding from Wellstar for signal installation at the intersection of Tower Road at North Avenue.

Council member Johnny Sinclair disclosed that he serves on the Kennestone Regional Board.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20121151 Traffic Calming**

Motion approving the installation of speed tables on Hickory Drive and Evelyn Street.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 1 Approved
Abstaining: Philip M. Goldstein

* **20121159 Wilson Drive**

Motion to name a currently unnamed city street Wilson Drive which is located between 900 and 932 Roswell Street as shown on the attached map.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20121160 Wilson Drive No Parking Zone**

Motion to install a “No Parking” zone along both sides of Wilson Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

APPEARANCES:

OTHER BUSINESS:

20121135 V2012-46 QuikTrip Corporation 900 Whitlock Avenue

V2012-46 [VARIANCE] QUIKTRIP CORPORATION requesting variances for property located in Land Lot 12240, District 16, Parcel 0200 and being known as 900 Whitlock Avenue.

1. Variance to eliminate the 75’ maximum front setback.
[§712.09(G)(2)(b)(i)]
2. Variance to reduce the rear yard setback from 35’ to 0.’ [§708.16(H)]
3. Variance to increase the allowable impervious surface from 80% to 85%.
[§708.16(H)]
4. Variance to increase the allowable height for a monument sign on Whitlock Avenue from 15’ to 16’4.” [§714.04(E) Table H]
5. Variance to increase the allowable height for a monument sign on Burnt Hickory Road from 10’ to 10’9“. [§714.04(E) Table H]
6. Variance to allow an accessory structure be located closer to the right of way than the principal building. [§708.16(F)(1)]
7. Variance to allow a refuse area be within the public view.
[§712.09(G)(1)(b)(xiv)]
8. Variance to reduce the required street trees along Burnt Hickory Road from 7 to 4. [§712.08 Table G-1]
9. Variance to reduce the required street trees along Whitlock Avenue from 8 to 0. [§712.08 Table G-1]
10. Variance to reduce the required setback for a fuel storage tank from 20’ to 10.’ [§708.16(B)(8)(a)]

Development Services Director Brian Binzer presented information regarding the variance request for property being known as 900 Whitlock Avenue. Binzer also summarized the criteria for which variance requests should be considered.

Mr. Richard Calhoun, attorney for the applicant, requested variances for property located at 900 Whitlock Avenue for the purpose of building a new Quiktrip location. Mr. Calhoun presented a summary of the variances, conditions to the variances, renderings of the proposed building and revised site plan.

Several Cobb County residents from the adjacent and nearby neighborhoods spoke in opposition to the proposed development. Some of the main concerns again were increased traffic to the area, the size of the building proposed for the small lot and the number of variances being requested.

Residents speaking in opposition included:

Lynn Rechsteiner, who resides at 76 McDonald Street

David Stroup and Terry Leaper, Mountain View Townhomes

Rob MacPherson, Carriage Oaks Subdivision

Brad Herr, President of Lee's Crossing Homeowner Association

James Nelson, who resides at 893 Chesterfield Place

Harold Simpson, who resides at 260 Manning Road

Joan Mayer, who resides at 814 Cannon Run

Michele Rodgers, who resides at 595 Briarmeade Drive

John Schubert, owner of the Mom and Pup's Pet Supply Store

Doug Matthews, who resides at 181 Mountain Brook Court

Ed Parker, who resides at 330 Hickory Walk

Pic and Patrica Petelle, 1481 Dallas Circle

Larry Wills, who resides at 60 Oakmont Drive

Mr. Calhoun addressed some of the concerns by the residents from the adjacent and nearby neighborhoods. Discussion was held regarding the requested variances.

A motion was made by Council member Morris, seconded by Council member Chalfant, to deny the variance request V2012-46 QuikTrip Corporation 900 Whitlock Avenue. The motion carried by the following vote:

Vote: 6 - 0 - 1 Approved

Abstaining: Philip M. Goldstein

* **20121231**

Safety Crossing

Motion to approve a Cooperative Subgrant Agreement with Cobb County for the Construction of Pedestrian Safety Improvements along South Marietta Parkway.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

BLW Actions of the December 12, 2012

* **20121197**

Review and approval of the December 12, 2012 actions and minutes of the Marietta Board of Lights and Water.

Motion to approve the BLW Actions of the December 12, 2012, with the following amendments:

-on page 4, it should show no report was given regarding the Cobb County-Marietta Water Authority

-on page 5, Mr. Wills name was spelled incorrectly

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved as Amended

Council member Coleman voting against BLW agenda item 20121188, Marietta Purchased Power Adjustment (PPA) - Policy No. 3.11.

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 8:45 p.m.

Date Approved: _____

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk